

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53602 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- DHORAIYA District- Banka

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FATMA W/O MD. MOKHTAR R/O VILLAGE- BISHANPUR, PS.
DHORAIYA, DIST. BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 15.04.2023 seeks bail, in connection with Dhoraiya P.S. Case No.97/2023, dated 12.04.2023, for the offences punishable under Sections 341, 323, 324, 307, 302, 120(B) of the IPC & Sections 25(1-b)a/26/35 of the Arms Act.

3. According to prosecution case, there is allegation against co-accused namely Md. Saukat, who has assaulted the husband of the informant with axe causing bleeding injury to him. Thereafter all the accused persons including the petitioner assaulted him with lathi and danda.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and she has falsely been



implicated in the present case merely on the ground that she is family members of the co-accused. He further submits that from perusal of the F.I.R, it appears that F.I.R. is in two parts. In first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation against co-accused namely Md. Shaukat who has assaulted the husband of the informant with axe and there is no allegation of any assault or overt act attributed against the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.04.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka in connection with Dhoraiya P.S. Case No.97/2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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